IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2343 OF 2005

Smt.Ahmedunnisa wd/o Jaffar .. Petitioner

versus

Shri Mohammed Hanif .. Respondent

Mr.Ashok Mishra i/b Mr Vijay Mishra for Petitioner

Mr.Arshad Haindadi for Respondent

CORAM : D.G.KARNIK, J

DATED : 27th January, 2006

P.C.

1. Heard learned counsel for the petitioner.

2. This writ petition is directed against the judgment and order dated 10th February, 2005 passed by the appellate bench of the Small Causes Court, Mumbai. The petitioner filed a suit in the Small Causes Court, Mumbai for a declaration that she was a tenant in respect of the suit premises. The trial Court as well as the lower appellate Court have concurrently held against her. Contention of the appellant that she was in possession of the suit premises as a licencee on

1st February, 1973 have been specifically negatived by both the Courts. This is a finding of fact. The concurrent finding of fact recorded by the two courts below is not shown to be perverse.

3. In the circumstances, the writ petition is rejected.

(D.G. KARNIK, J)